

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: Andre L. Stevens
Brenda D. Stevens,
Debtors

Case No. : 06-30431
Chapter 13
Trustee: Carl M. Bates

**NOTICE OF MOTION TO EXTEND STAY
AND NOTICE OF HEARING**

Counsel for Debtor has filed papers with the court to request that the automatic stay be extended. Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion then you or your attorney must immediately file with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1 (H), and attend the hearing to be held at Chief Judge Tice's Courtroom at 1100 E Main Street, Suite 335, Richmond, VA 23219 at 10:30 a.m. on March 15th, 2006. If you mail your request response to the court for filing, you must mail it immediately to the United States Bankruptcy Court, 1100 East Main Street, Richmond, Virginia, Richmond, VA 23219.

You must also mail a copy to:

Attorney for Debtor
Andrew G. Adams, III
100 E. Main Street
Richmond, VA 23219

Chapter 13 Trustee
Carl M. Bates
P.O. Box 1819
Richmond, VA 23218

NOTICE IS HEREBY GIVEN PURSUANT TO LOCAL RULE 9013-1, UNLESS A WRITTEN RESPONSE TO THIS MOTION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY IMMEDIATELY, THE COURT MAY DEEM ANY OPPOSITION WAIVED AND ISSUE AN ORDER SUSTAINING THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Andrew G. Adams, III
Andrew G. Adams, III
Attorney for Debtor

Andrew G. Adams, III
100 East Main Street
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Ph – 804-649-1000
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VSB 46600

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MOTION FOR CONTINUATION OF AUTOMATIC STAY

COMES NOW Andre L. Stevens and Brenda D. Stevens, by counsel, and offers the following memorandum in support of their objection and motions:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §157 and 1334 and 11 U.S.C. §362, and this matter is a core proceeding under the Bankruptcy Code.
2. On March 1st, 2006, the movants filed in this Honorable Court a Petition for Relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §1301. Carl M. Bates was appointed to serve as Chapter 13 Trustee in this case (the "Trustee")
3. The debtors have previously filed a Chapter 13 Case No. 05-43318 on November 18th, 2005, thus purportedly triggering the provision of 11 U.S.C. 362(c)(3).
4. In the instant case, debtors propose a Chapter 13 Plan (the "Plan") that commits all disposable income to paying the Trustee for a period of sixty (60) months.
5. Debtors can clearly demonstrate to the Court that the instant case was filed in good faith. In evaluating a debtor's good faith in filing bankruptcy, courts within the Fourth Circuit are given broad discretion but are directed to look to "the totality of the circumstances....on a case by case basis." Deans v. O'Donnell, 692 F.2d968, 972 (4th Cir. 1982). Among the factors to be considered are "the percentage of proposed repayment, the debtor's past bankruptcy filings, the debtor's honesty in representing facts, and any unusual or exceptional problems facing the particular debtor." Neufeld v. Freeman, 794F.2d 149, 152 (4th Cir. 1986), citing Deans at 972 and quoting 9 Collier on Bankruptcy 9.20 at 319 (14th ed. 1978
6. In the instant case, the movants have acted in good faith, and it is in the best interest of all creditors for the Court to enter an order extending the stay as to creditors throughout the duration of their chapter 13 case.
7. The instant case proposes a good faith repayment to non-priority creditors (in addition to full payment to secured creditors) and the movant's financial situation is insufficient for them to pay their debts outside of bankruptcy but is strong enough to make the instant case feasible. Also, the period of time for payment of the debts is reasonable, the movant's employment situation is stable and again demonstrates that they will be likely to complete the terms of their Plan, the nature and amount of unsecured claims demonstrates good faith, and the debtor's past bankruptcy filings do not present any issues of bad faith. Additionally, debtors have been honest in representing in their Schedules and Statements of Affairs, and there are no unusual or exception problems facing the debtors.

WHEREFORE, the movants respectfully request that this Honorable Court enter an order extending the stay for the duration of the instant case as to all creditors and for such other relief as the court may deem appropriate.

Respectfully submitted,
Andre L. Stevens
Brenda D. Stevens
By: Counsel

/s/ Andrew G. Adams, III
Andrew G. Adams, III
VSB# 46600
100 E Main Street
Richmond, VA 23219
(804) 649-1000

CERTIFICATE OF SERVICE

I certify that on this 3rd day of March, 2006, a copy of this motion was mailed via first class mail, postage prepaid, to Carl Bates, Chapter 13 Trustee, at P.O. Box 1819, Richmond, VA 23218-1819 the United States Trustee at 600 E. Main Street, Room 335, Richmond, VA 23219, and to all necessary parties.

/s/ Andrew G. Adams, III
Counsel for Debtor